

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on rev.)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2016-0322-10	REGULATORY ACTION NUMBER 2016-0907-03S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Fish and Game Commission			AGENCY FILE NUMBER (If any)

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 17 2016

1:53 p.m.

2016 SEP -7 P 4:54

OFFICE OF
ADMINISTRATIVE LAW**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE Meeting Procedures		TITLE(S) 14	FIRST SECTION AFFECTED 665	2. REQUESTED PUBLICATION DATE April 1, 2016	
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Sherrie Fonbuena		TELEPHONE NUMBER (916) 654-9866	FAX NUMBER (Optional) (916) 653-5040
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER 2016, 14-2	PUBLICATION DATE 4/1/2016

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Meeting Procedures		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)			
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)					
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT			
		AMEND 665			
TITLE(S) 14		REPEAL			
3. TYPE OF FILING					
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code § 11346)		<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§ 11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.		<input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h))	
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§ 11349.3, 11349.4)		<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)		<input type="checkbox"/> File & Print	
<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))		<input type="checkbox"/> Other (Specify) _____		<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	
				<input type="checkbox"/> Print Only	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, § 44 and Gov. Code § 11347.1) May 13, 2016-June 23, 2016					
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, § 100)					
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code § 11343.4(a))		<input type="checkbox"/> Effective on filing with Secretary of State		<input type="checkbox"/> \$100 Changes Without Regulatory Effect	
				<input type="checkbox"/> Effective other (Specify) _____	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY					
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM § 6660)		<input type="checkbox"/> Fair Political Practices Commission		<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify) _____					
7. CONTACT PERSON Sherrie Fonbuena		TELEPHONE NUMBER (916) 654-9866	FAX NUMBER (Optional) (916) 653-5040	E-MAIL ADDRESS (Optional) Sherrie.Fonbuena@fgc.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Melissa A. Miller-Henson</i>	DATE 9/7/16
TYPED NAME AND TITLE OF SIGNATORY Melissa Miller-Henson, Staff Services Manager I	

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ENDORSED APPROVED

OCT 17 2016

Office of Administrative Law

Regulatory Language

Section 665, Title 14, CCR, is amended to read:

665. Meeting Procedures

~~(a) Time limits for speakers at commission meetings.~~

~~(1) The time allotted for each speaker wishing to address an agenda item shall be set by the presiding commissioner.~~

(a) Commission quorum, agendas, and meeting procedures.

(1) Quorum. Commission and committee meetings may not be conducted without a quorum present.

(A) Commission meetings require a quorum of at least three commissioners be present to conduct a meeting. A commission meeting must be immediately recessed or adjourned if at least three commissioners are no longer present.

(B) Committee meetings require a quorum of at least one appointed member be present to conduct a meeting. A committee meeting must be immediately recessed or adjourned if at least one appointed member is no longer present.

(2) Commissioner participation at committee meeting.

(A) No more than two commissioners may attend a committee meeting.

(3) Meeting agendas.

(A) Public requests for items to be added to an agenda must be received no later than the commission meeting immediately prior to the desired meeting.

(B) Contents of meeting agendas.

1. Except for emergency meetings of the commission, contents of commission and committee meeting agendas are established by a majority vote of the commission.

2. Contents of agendas for emergency meetings of the commission are established by the president or the president's designee.

3. Committee agendas may not contain items that have been placed on commission meeting agendas, unless otherwise directed by a majority vote of the commission.

4. Notwithstanding subsection (a)(3)(B)1., the president or the president's designee may add an item to the agenda.

(C) Agenda distribution.

1. Except for emergency meetings of the commission, commission and committee meeting agendas shall be distributed and posted to the commission website at least 10 days prior to the first day of the meeting.

2. Agendas for emergency meetings of the commission shall be distributed and posted to the commission website pursuant to the provisions of the Bagley-Keene Open Meeting Act (Government Code Sections 11120-11132).

- (4) Marine resources committee and wildlife resources committee recommendations. Pursuant to Sections 105 and 106 of the Fish and Game Code, the marine resources committee and wildlife resources committee shall report on their activities from time to time and make recommendations on resource matters before the commission.
- (A) Committees may meet to make recommendations no later than 15 days prior to the first day of the commission meeting at which the commission may consider taking action on the subject of the recommendation.
- (B) Committee recommendations shall be posted to the commission website at least five days prior to the first day of the meeting.
- (5) Commission Meeting Voting
- (A) A motion shall pass or fail only upon a majority vote of the membership present and voting.
1. The commission may make and vote on more than one motion related to an agenda item. If no motion receives a majority vote of the membership present and voting, the agenda item shall be continued to a subsequent commission meeting.
- (b) Public participation. Except for the department, every person or agency participating in commission and/or committee meetings is subject to the provisions in this subsection.
- (1) Public comment on agenda items. The public may comment on an agenda item before any decision is made regarding the agenda item.
- (A) Public requests to provide comments on a commission agenda item must be submitted to commission staff prior to when the agenda item is announced.
1. A person may voluntarily complete a speaker card furnished by commission staff.
2. A person not completing a speaker card must inform commission staff, orally or in writing, of his desire to comment on the item.
- (B) A person may request to provide comments on a committee agenda item by raising his hand during the discussion of that item.
- (2) Public forum. During the public forum agenda item, any member of the public may address the commission or committee regarding commission policies or any other matter within the commission's jurisdiction so long as the subject is not related to any other item on the current agenda.
- (3) Allotted time for comments and presentations at commission meetings.
- (A) The time allotted for each person wishing to address an agenda item shall be set by the presiding commissioner at between one and three minutes per person per agenda item, except as provided in subsections (b)(3)(A)1., (b)(3)(A)2., (b)(3)(A)3 and (b)(3)(A)4..
1. Ceding time. The presiding commissioner may allot up to five minutes for a person to comment on an agenda item if at least three other persons are present when the agenda item

- is called and forgo their opportunity to speak to that agenda item.
2. Advanced approval for extended time. The public may request extended time to comment longer than three minutes. The president or designee of the president shall approve or deny the requested time based on relevance to the agenda topic and time available.
 - a. Except for emergency meetings of the commission, requests for extended time must be received in writing no later than 12:00 noon five days prior to the first day of the meeting and must be sent by email to fgc@fgc.ca.gov or delivered by mail, by courier or in person to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Only one method of delivery is necessary.
 - i. The president or designee shall approve or deny the request no later than 5:00 p.m. two days prior to the first day of the meeting.
 - b. Requests for extended time for an emergency meeting of the commission must be received no later than 5:00 p.m. the day prior to the first day of the meeting and must be sent by email to fgc@fgc.ca.gov or delivered in person at the meeting location between one and two hours prior to the start of the meeting.
 - i. The president or designee shall approve or deny the request prior to the start of the meeting.
 3. At the request of any commissioner, a person may receive additional time to comment on an agenda item.
 4. Extra time for translation. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code section 11125.7(c).
 - (B) The total amount of time allocated for public comments on a particular issue may be limited by publishing the time limit on the meeting agenda.
 - (4) Allotted time for comments at committee meetings. The time allotted for each person wishing to address an agenda item shall be at the discretion of the committee chair(s).
 - (5) Written comments. All written comments are available to commissioners upon request.
 - (A) Except for an emergency meeting of the commission, written comments intended for a commission or committee meeting must be delivered to the commission office via email or by mail, by courier or in person no later than 12:00 noon five days prior to the first day of the meeting, or in person at the meeting.

1. Written comments received by 5:00 p.m. 13 days prior to the first day of the meeting may be posted to the commission website and may be included in the meeting materials provided to commissioners prior to the first day of the meeting.
2. Written comments received after 5:00 p.m. 13 days prior to the first day of the meeting and before 12:00 noon 5 days prior to the first day of the meeting may be made available to commissioners at the meeting, but are not posted to the commission's website for that meeting.
3. Written comments received in the commission office after 12:00 noon five days prior to the first day of the meeting are only delivered to the meeting if required by the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and are not posted to the commission's website for that meeting.
4. Written comments received in the commission office after 12:00 noon five days prior to the first day of the meeting that are not required to be delivered to the meeting pursuant to the Administrative Procedure Act are held for a future meeting if related to a future agenda item.
5. Number of copies of written comments delivered in person at a meeting.
 - a. Ten copies of written comments are requested if delivered in person at a commission meeting, except two copies of written comments are requested if delivered in person at a teleconference meeting.
 - b. Five copies of written comments are requested if delivered in person at a committee meeting.
6. Any writings, when distributed to all, or a majority of all, commissioners in connection with a matter subject to discussion or consideration at a meeting shall be made available to the public upon request without delay. However, this subsection does not apply to any writing exempt from public disclosure under Sections 6253.5, 6254, or 6254.7 of the Government Code.
7. Writings that are public records under subsection (b)(5)(A)6., and that are distributed to members of the commission prior to a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting.
8. Writings that are public records under subsection (b)(5)(A)6., and that are distributed to members of the commission during a meeting, pertaining to any item to be considered during the meeting shall be made available for public

- inspection at the meeting if prepared by department or commission staff, or after the meeting if prepared by some other person.
- (B) Written comments intended for an emergency meeting of the commission must be received no later than 5:00 p.m. the day prior to the first day of the meeting or in person at the meeting location.
 - (C) In the event multiple written comments expressing similar views are received, an example or a summary of the comments may be posted to the commission website and/or included in the meeting materials for commissioners.
 - (D) Written comments delivered to the commission office must be sent by email to fgc@fgc.ca.gov or delivered by mail, by courier or in person to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Only one copy and only one method of delivery are necessary.
 - (E) Written comments are not accepted if sent to the meeting facility.
 - (6) Audio or visual materials for commission and committee presentations must be approved by the executive director.
 - (A) Except for emergency meetings of the commission, consideration for approval requires that materials be submitted via email to fgc@fgc.ca.gov no later than 12:00 noon five days prior to the first day of the meeting.
 - (B) For emergency meetings of the commission, consideration for approval requires that materials be submitted via email to fgc@fgc.ca.gov no later than 5:00 p.m. the day prior to the first day of the meeting or delivered in person at the meeting location between one and two hours prior to the start of the meeting.
 - (C) A request for an audio or visual presentation for a commission or committee meeting may be denied if the material is deemed not relevant to the agenda item, contains inappropriate material, or contains unauthorized copyrighted materials.
 - (D) A request for an audio or visual presentation for Commission meetings may be denied if the material cannot be presented in three minutes or less.
 - (E) All electronic formats must be Windows PC compatible.
 - (7) Prohibited behavior. A person willfully disrupting the orderly conduct of the meeting may be removed from the meeting.
 - (c) Concurrence with Government Code Sections 6707 and 6800. The deadlines and due dates in this Section shall conform to Sections 6707 and 6800 of the Government Code pertaining to deadlines that fall on Saturdays or holidays.**

Note: Authority cited: Section 108, Fish and Game Code. Reference: Section 108, Fish and Game Code; Sections 11125.1 and 11125.7, Government Code.